

Remarks

Claims 34 and 37-39 are pending the application.

Claims 40 and 58-114 have been canceled solely because they correspond to a non-elected invention. The Applicants expressly reserve the right to prosecute in subsequent divisional applications or continuing applications or both claims covering the subject matter of the claims canceled to conform with the Applicants election in response to the Restriction Requirement. 35 U.S.C. §§ 120-121.

Claim 34 has been amended. Support for the claim amendment can be found throughout the application, including the claims as originally filed. Importantly, no new matter has been added to the claims. The amendments to the claims should not be construed to be an acquiescence to any of the rejections. The amendments to the claims are being made solely to expedite the prosecution of the above-identified application. The Applicant reserves the right to further prosecute the same or similar claims in subsequent patent applications claiming the benefit of priority to the instant application. 35 USC § 120.

Response to Rejections under 35 U.S.C. 112, 2nd Paragraph

Claims 34 and 37-39 stand rejected under 35 U.S.C. 112, 2nd paragraph, for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Specifically, the Examiner contends that in claim 34 the phrase “R represents...” is indefinite because the moiety “NR” has been withdrawn. The Applicants agree with the Examiner and have amended claim 34 to remove the phrase “R represents...”

The Examiner also contends that ‘for Z equals “substituted aryl”, “alkyl” is redundant to Z equals “alkylaryl.”’ The Applicants respectfully point out that there is no redundancy because the definition of Z lists aralkyl, not alkylaryl. The difference is that the former is an alkyl group substituted with an aryl moiety, while the latter is an aryl group substituted with an alkyl group.

Finally, the Examiner contends that "substituted" for Z other than "aryl" is vague because the substitutions are not specified. Therefore, the Applicants have amended claim 34 so that the substitutions apply to all definitions of Z, not just aryl.

Accordingly, the Applicants respectfully request the withdrawal of the 35 U.S.C. § 112, 2nd paragraph, rejection of claims 34 and 37-39.

Fees

The Applicants believe no fee is due in connection with the filing of this paper. Nevertheless, the Director is hereby authorized to charge any required fee to our Deposit Account, 06-1448.

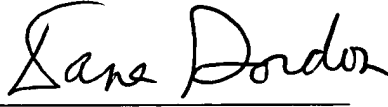
Conclusion

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicant's Agent would expedite prosecution of the application, the Examiner is urged to contact the undersigned. A clean version of the claims follows.

Respectfully submitted,
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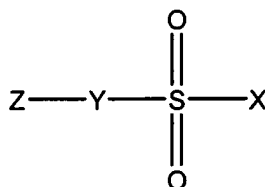
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Marked-Up Version of Claims Showing the Changes Made

34. (twice amended) A coating comprising an effective amount of an anti-fouling compound of structure 1:



1

wherein

X represents -OH;

Y represents O;

Z represents an unsubstituted or substituted moiety selected from the group consisting of branched alkyl, unbranched alkyl of 7 carbons or less, heteroalkyl, cycloalkyl, heterocycloalkyl, aryl, heteroaryl, aralkyl, heteroaralkyl, and $-(\text{CH}_2)_m-\text{R}_{80}$; wherein when Z is [a] substituted [aryl], any substituent [on the aryl ring] is selected from the group consisting of halo, azido, alkyl, aralkyl, alkynyl, cycloalkyl, hydroxyl, alkoxy, amino, nitro, sulfhydryl, imino, amido, silyl, alkylthio, sulfonyl, sulfonamido, acyl, formyl, alkoxycarbonyl, heterocyclyl, aryl, heteroaryl, trifluoromethyl, and cyano;

[R represents independently for each occurrence hydrogen, alkyl, heteroalkyl, aryl, heteroaryl, aralkyl, heteroaralkyl, or $-(\text{CH}_2)_m-\text{R}_{80}$;

R_{80} represents independently for each occurrence aryl, cycloalkyl, cycloalkenyl, heterocyclyl, or polycyclyl; and

m is an integer in the range 0 to 8 inclusive or salt thereof,

wherein the coating releases the compound or a biologically active fragment thereof when in contact with a surface that is amenable to biofouling.